

IN THE UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF ALABAMA

UNITED STATES OF AMERICA

*

VS.

*

CRIMINAL NO. 12-00118-001

SHANNON RUSSELL HAWKINS

*

POSITION OF THE DEFENDANT WITH RESPECT TO SENTENCING FACTORS

Comes now the Defendant in the above-styled cause, Shannon Russell Hawkins, and does herein file this his position with respect to the Presentence Investigation Report, (PSI), as follows:

1. Defendant objects to the finding at Part A, Paragraph 22 of the PSI wherein Defendant is assessed an additional 4 points to his base offense level for possession of a firearm “in connection with another felony offense” as set forth in U.S.S.G. § 2K2.1(b)(6)(B). At the time of his arrest for possession of the firearm which is the basis of this charge, Defendant was found in possession of 3 Lortab pills, 4 Xanax pills and white powder residue. When questioned about these drugs, Defendant admitted to the officers that the drugs belonged to him and that he regularly consumed both those narcotics and methamphetamine.

2. Commentary to U.S.S.G. § 2K2.1, Application Note 14(B) reflects that when “the other offense” is a drug offense, subsection (b)(6)(B) should apply only if it is a “drug trafficking offense”. Here, the quantity of the drugs involved reflect an amount inconsistent with drug trafficking and a conclusion that Defendant was engaged in drug trafficking would be speculation, at best.

3. Defendant avers his offense level should be 19.

4. The undersigned has placed a call to AUSA Gina Vann and AUSPO Kelli Matthews to discuss this objection and he awaits their return call. If a resolution to this matter is reached, the Defendant will file an amended position.

s/Andrew M. Jones

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CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and will send notification of such filing to the following: Honorable Gina S. Vann, Assistant U. S. Attorney, gina.vann@usdoj.gov and I hereby certify that I have mailed by United States Postal Service the document to the following: Kelli Matthews, U. S. Probation Officer, 201 St. Michael Street, 2nd Floor, Mobile, Alabama 36602.

s/Andrew M. Jones

ANDREW M. JONES